

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

884B.0001.U1(US)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/553364**INTERNATIONAL APPLICATION NO.  
PCT/GB2004/001714INTERNATIONAL FILING DATE  
16 April 2004PRIORITY DATE CLAIMED  
16 April 2003

## TITLE OF INVENTION

Device for Pulmonary Drug Delivery

## APPLICANT(S) FOR DO/EO/US

Peter Richard SMITH, Olga KUSMARTSEVA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 791 730 757 US
23. ☒ Other items or information:  
GB Search Report

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |              |  |            |   |                       |
|---|--------------|--|------------|---|-----------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/555364</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/GB2004/001714</b>              |            | ATTORNEY'S DOCKET NUMBER<br><b>884B.0001.U1(US)</b> |                       |
| The following fees are submitted:   |              |  |            | <b>CALCULATIONS</b>                                 | <b>PTO USE</b>        |
| 24. <input checked="" type="checkbox"/> Basic national fee . . . . . \$300  |              |  |            | \$  | \$300.00              |
| 25. <input checked="" type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). . . . . \$100<br>All other situations. . . . . \$200   |              |  |            | \$  | \$200.00              |
| 26. <input checked="" type="checkbox"/> Search fee . . . . . \$100<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority . . . . . \$400<br>International Search Report prepared and provided to the Office . . . . . \$500<br>All other situations. . . . . \$500   |              |  |            | \$  | \$400.00              |
| <b>TOTAL OF 24, 25 and 26 =</b>   |              |  |            | \$  | \$900.00              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |  |            |   |                       |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |   |                       |
| - 100 =   | 0 /50 =      | 0  | x \$250.00 | \$  | \$0.00                |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |  |            | \$  |                       |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE       |   |                       |
| Total claims  | 19 - 20 =    | 0  | x \$50.00  | \$  | \$0.00                |
| Independent claims  | 5 - 3 =      | 2  | x \$200.00 | \$  | \$400.00              |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00   |              |  |            | \$  | \$0.00                |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |  |            | \$  | \$1,300.00            |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |            | \$  | \$650.00              |
| <b>SUBTOTAL =</b>   |              |  |            | \$  | \$650.00              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |  |            | \$  | \$0.00                |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |            | \$  | \$650.00              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |  |            | \$  | \$0.00                |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |            | \$  | \$650.00              |
|   |              |  |            | Amount to be  | \$                    |
|   |              |  |            | Amount to be  | \$                    |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$650.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1924</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Customer No. 29683<br/>Harrington &amp; Smith, LLP<br/>4 Research Drive<br/>Shelton, CT 06484-6212<br/>(203) 925-9400</p> |              |  |            |   |                       |
|   |              |  |            | SIGNATURE   | <u>Harry F. Smith</u> |
|   |              |  |            | NAME  | <u>Harry F. Smith</u> |
|   |              |  |            |   | <u>32,493</u>         |
|   |              |  |            | REGISTRATION NUMBER                                 |                       |

10/553364

1020 Rec'd PCT/PTO 14 OCT 2005

Express Mail No. EV 791 730 757 US  
IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:  
Applicant: Smith et al.  
U.S. Serial No.:  
International Application No.: PCT/GB2004/001714  
International Filing Date: 16 April 2004  
Title: Device for Pulmonary Drug Delivery  
Attorney Docket No.: 884B.0001.U1(US)

Certificate of Mailing

I hereby certify that the following correspondence:

Transmittal Letter to U.S. Designated/Elected Office  
Preliminary Amendment  
WO 2004/093951 A1 published application  
Information Disclosure Statement with PTO-1449 and references  
International Search Report  
International Preliminary Report on Patentability  
Great Britain Search Report  
Check for \$ 650.00  
Self addressed stamped post card

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop PCT.

Date: October 14, 2005

  
Lisa Mrozek